

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>

MEDIATION QUESTIONNAIRE

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are **not** confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	<input type="text" value="18-35510"/>		
District Court/Agency Case Number(s):	<input type="text" value="1:18-cv-00035-CWD"/>		
District Court/Agency Location:	<input type="text" value="United States District Court, District of Idaho"/>		
Case Name:	<input type="text" value="Gemini Technologies, Incorporated"/>	v.	<input type="text" value="Smith & Wesson Corporation, et al."/>
If District Court, docket entry number(s) of order(s) appealed from:	<input type="text" value="Dkt. 17"/>		
Name of party/parties submitting this form:	<input type="text" value="Gemini Technologies, Incorporated"/>		
Please briefly describe the dispute that gave rise to this lawsuit.			
<input type="text" value="Smith & Wesson Corporation, and its parent company, American Outdoor Brands Corporation, breached the Asset Purchase Agreement, the Escrow Agreement, and breached the express and implied covenants."/>			
Briefly describe the result below and the main issues on appeal.			
<input type="text" value="The District Court granted Defendants/Appellees' Motion to Dismiss on Forum Non Conveniens grounds."/>			
Describe any proceedings remaining below or any related proceedings in other tribunals.			
<input type="text" value="None."/>			

Provide any other thoughts you would like to bring to the attention of the mediator.

I do not believe that mediation would be helpful in this matter as Appellees sought and obtained a dismissal requiring litigation to occur in the State of Delaware.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses
☒ is attached (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and
☒ service list may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **File this document electronically** in Appellate ECF by choosing Forms/Notices/Disclosure > File a Mediation Questionnaire.

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**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

GEMINI TECHNOLOGIES, INCORPORATED,

Plaintiff/Appellant,

vs.

SMITH & WESSON CORPORATION, a Delaware corporation; AMERICAN OUTDOOR BRANDS CORPORATION, a Massachusetts corporation,

Defendants/Appellees.

No. 18-35510

D.C. No. 1:18-cv-00035-CWD
U.S. District Court for Idaho, Boise

CURRENT SERVICE LIST

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DATED June 20, 2018.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 20, 2018, I electronically filed the foregoing with the Clerk of the Court for the United State Court of Appeals for the Ninth Circuit by using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

Brett C. Ruff bcruff@hollandhart.com

Jason E. Prince jeprince@hollandhart.com

/s/ Kim J. Trout
Kim J. Trout